THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1582 of 2006

30.1.2006

Between:

K.S.Chokkanadham, S/o.T.K.Shanmugam Mudaliar

And others

… Petitioners

AND

The Executive Engineer, Roads & Buildings, Tirupathi

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1582 of 2006

ORDER:

The forty petitioners seek a writ of Mandamus declaring the action of the respondents in demolishing the structures and in attempting to take possession of the land owned by them as illegal and arbitrary. It is the case of the petitioners that all of them own residential houses situated at Pallepattu Street of Pudupet in Nagari Municipality. According to them, average width of the Pallepattu street is 28 feet and all the houses are situated on either side of the road. The third respondent

Municipality proposed to widen the existing road to 40 feet wide, but without initiating any proceedings under the Land Acquisition Act, 1894 (LA Act) or A.P. Municipalities Act, 1965 (the Act, for brevity), the respondents 1 to 4 along with their staff came with heavy bulldozers and demolished the structures on the street indiscriminately. They, therefore, filed the instant writ petition for the relief as noticed hereinabove.

The learned Standing Counsel for third respondent obtained instructions and submits that there is no proposal to widen Pallepattu street as alleged. Even before the formation of Municipality, the Mandal Revenue Officer issued show cause notices for removal of encroachments and after formation of Municipality, all the encroachments were removed. He also submits that if the land of any of the petitioners is required for widening the road, the Municipality would take action in accordance with Section 174 of the Act. The same is recorded. It is further made clear that if the Municipality has any plan to widen the road as alleged by the petitioners, and if the petitioners' lands are required for widening the road, unless and until necessary action is taken by the Municipality either under Section 174 of the Act or under the LA Act, the petitioners cannot be deprived of their right to enjoy the property nor the Municipality can demolish the structures without giving notice to them.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

January 30, 2006.

YS